

INTERPRETER,TERMED

**U.S. District Court  
District of Colorado (Denver)  
CRIMINAL DOCKET FOR CASE #: 1:05-cr-00143-WDM-1  
Internal Use Only**

Case title: USA v. Nunez-Aponte  
Magistrate judge case number: 1:03-mj-01129-CBS

Date Filed: 04/05/2005  
Date Terminated: 10/21/2005

Assigned to: Judge Walker D. Miller

**Defendant (1)**

**Rafael Nunez-Aponte**  
*TERMINATED: 10/21/2005*  
*also known as*  
RaFa  
*TERMINATED: 10/21/2005*

represented by **Scott Thomas Varholak**  
Office of the Federal Public Defender  
633 Seventeenth Street  
#1000  
Denver, CO 80202  
303-294-7002  
Fax: 303-294-1192  
Email: Scott\_varholak@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

FRAUD ACTIVITY CONNECTED  
WITH COMPUTERS  
(1s)

**Disposition**

deft shall be impr. for Time Served;  
Court Recommends that the deft receive  
credit for time served in custody; 3 yrs.  
sup. rel.; \$100 to CVF due immediately;  
deft shall make restit. in amt. of  
\$10,548 to Defense Information Sys.  
Agency; deft remanded

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

FRAUD ACTIVITY CONNECTED  
WITH COMPUTERS  
(1)

**Disposition**

Dismissed

INTENTIONAL DAMAGE TO A  
PROTECTED COMPUTER

Dismissed

(2)

**Highest Offense Level (Terminated)**

Felony

**Complaints**

causing the transmission of a program,  
as a result, causing damage without  
authorization to a protected computer  
18 USC 1030(a)(5)(A)(i)

**Disposition****Plaintiff**


USA

represented by **Patricia W. Davies**  
U.S. Attorney's Office-Denver  
1225 17th Street East  
Suite 700  
Denver, CO 80202  
303-454-0231  
Fax: 303-454-0401  
Email: patricia.davies@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/12/2003	1	COMPLAINT against John Doe signed by Magistrate Judge Craig B. Shaffer AUSA Patricia W. Davies (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
05/12/2003	2	ARREST Warrant issued for John Doe by Magistrate Judge Craig B. Shaffer (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
05/12/2003	3	MOTION to seal case by USA regarding John Doe (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
05/12/2003	4	ORDER by Magistrate Judge Craig B. Shaffer granting motion to seal case [3-1] until the warrant is executed. (former empl) [1:03-mj-01129-CBS] (Entered: 05/13/2003)
04/04/2005		Case Unsealed as to John Doe pursuant to arrest of deft in the District of Florida. (nmbsl, ) [1:03-mj-01129-CBS] (Entered: 04/06/2005)
04/05/2005	5	INDICTMENT as to Rafael Nunez-Aponte (1) count(s) 1, 2. (nmb, ) (Entered: 04/06/2005)
04/05/2005	6	Arrest Warrant Issued by Clerk as to Rafael Nunez-Aponte. (nmb, ) (Entered: 04/06/2005)
04/14/2005	7	Rule 5(c)(3) Documents Received as to Rafael Nunez-Aponte: Docket Sheet,

		Warrant of Removal, Waiver of Removal Hearing, Order of Detention, minutes (ecm, ) (Entered: 04/18/2005)
04/22/2005		Arrest of Rafael Nunez-Aponte (ecm, ) (Entered: 04/27/2005)
04/22/2005	8	Minutes of Initial Appearance before Magistrate Judge Boyd N. Boland: Initial Appearance of Rafael Nunez-Aponte w/o counsel; ORDER: FPD apptd.; ORDER: Arraignment, Discovery and Detention Hearing set for 4/27/2005 01:30 PM before Magistrate Judge Boyd N. Boland; deft remanded; (Tape #FTR BNB PM.) (ecm, ) (Entered: 04/27/2005)
04/22/2005	9	CJA 23 Financial Affidavit by Rafael Nunez-Aponte (ecm, ) (Entered: 04/27/2005)
04/22/2005	10	Arrest Warrant Returned Executed on 4/21/05 as to Rafael Nunez-Aponte. (ecm, ) (Entered: 04/27/2005)
04/22/2005		Pursuant to Minutes this date before Judge Boyd N. Boland : Interpreter appointed in case as to Rafael Nunez-Aponte (ecm, ) (Entered: 04/29/2005)
04/25/2005	11	NOTICE OF ATTORNEY APPEARANCE re Objection To Rule 10 Arraignment By Video Conference: Scott Varholak appearing for Rafael Nunez-Aponte (mjb, ) (Entered: 04/28/2005)
04/27/2005	12	Minutes of Arraignment, Discovery and Detention Hearing before Magistrate Judge Boyd N. Boland: deft Rafael Nunez-Aponte present w/counsel; Plea of NOT GUILTY entered by Rafael Nunez-Aponte; 30 day min to trial 5/27/05; 70 day max to trial 7/1/05; 90 day custody limit 7/21/05; discov. rpt. executed; deft is not contesting deten. - BICE detainer; ORDER: deft shall be detained pending final resolution of this case; deft remanded (Tape #FTR BNB PM.) (Interpreter: Marcella Salazar) (ecm, ) (Entered: 04/29/2005)
04/27/2005	13	Discovery Hearing Report; Estimated Trial Days: 5 as to Rafael Nunez-Aponte; (ecm, ) (Entered: 04/29/2005)
05/02/2005	14	UNOPPOSED MOTION to Declare Case Complex by Rafael Nunez-Aponte. (mjb, ) (Entered: 05/04/2005)
05/03/2005	15	MINUTE ORDER; re 14 MOTION to Declare Case Complex filed by Rafael Nunez-Aponte, a Motion Hearing set for 5/24/2005 09:30 AM before Judge Walker D. Miller. (ecm, ) (Entered: 05/06/2005)
05/03/2005	16	MINUTE ORDER; Motions due 5/16/2005; Responses due 5/23/2005; Jury Trial set for 6/20/2005 08:30 AM for Rafael Nunez-Aponte before Judge Walker D. Miller. (ecm, ) (Entered: 05/06/2005)
05/04/2005	17	MOTION to ContinueThe Deadline For Filing Motions until after the 5/24/05 complexity hearing by Rafael Nunez-Aponte. (mjb, ) (Entered: 05/06/2005)
05/05/2005	18	MOTION to Disclose Grand Jury Material to Defendant by USA as to Rafael Nunez-Aponte (mjb, ) (Entered: 05/09/2005)
05/05/2005	19	ORDER OF DETENTION Pending Trial as to Rafael Nunez-Aponte Signed by Magistrate Judge Boyd N. Boland on 5/2/05. (mjb, ) (Entered: 05/09/2005)

		05/09/2005)
05/19/2005	20	ORDER GRANTING 18 Motion to Disclose Grand Jury Material as to Rafael Nunez-Aponte (1). Signed by Judge Walker D. Miller on 5/18/05. (mjg, ) (Entered: 05/25/2005)
05/24/2005	21	Minutes of Motion Hearing before Judge Walker D. Miller: deft Rafael Nunez-Aponte present w/counsel; ORDER: GRANTING 14 MOTION to Declare Case Complex filed by Rafael Nunez-Aponte; Court Concludes the ends of justice served by excluding from today to/including 7/25/05 from the speedy trial calculations outweigh the best interest of the public and deft in a speedy trial; Motions due 7/22/2005; Responses due 8/5/2005; counsel directed to chambers to set a status conf. no later than 8/1/05; deft remanded (Court Reporter Janet Coppock.) (ecm, ) (Entered: 06/01/2005)
05/24/2005		Pursuant to minutes this date: granting 14 Motion to Declare Case Complex as to Rafael Nunez-Aponte (ecm, ) (Entered: 06/01/2005)
05/24/2005	22	MINUTE ORDER; Status Conference set for 7/28/2005 08:30 AM for Rafael Nunez-Aponte before Judge Walker D. Miller. (ecm, ) (Entered: 06/01/2005)
05/25/2005	23	MINUTE ORDER; the 6/20/05 Trial to Jury is VACATED as to Rafael Nunez-Aponte as to the declaration of complexity before Judge Walker D. Miller (ecm, ) (Entered: 06/01/2005)
06/15/2005	24	TRANSCRIPT of Initial Appearance as to Rafael Nunez-Aponte held on 4/22/05 before Magistrate Judge Boyd N. Boland. Prepared by: Avery. Pages: 6. (certified copy) (ecm, ) (Entered: 06/16/2005)
06/15/2005	25	TRANSCRIPT of Arraignment/Discovery/Detention Hearing as to Rafael Nunez-Aponte held on 4/27/05 before Magistrate Judge Boyd N. Boland. Prepared by: Avery. Pages: 4. (certified copy) (ecm, ) (Entered: 06/16/2005)
06/15/2005	26	TRANSCRIPT of Hearing on Motion to Declare Case Complex as to Rafael Nunez-Aponte held on 5/24/05 before Judge Walker D. Miller. Prepared by: Janet Morrissey. Pages: 7. (certified copy) (ecm, ) (Entered: 06/17/2005)
07/12/2005	27	NOTICE OF DISPOSITION by Rafael Nunez-Aponte (mjg2, ) (Entered: 07/14/2005)
07/14/2005	28	ORDER as to Rafael Nunez-Aponte re 27 Notice of Disposition; Speedy trial clock tolled; Status Conference is CONVERTED to Change Of Plea Hearing on 7/28/2005 08:30 AM before Judge Walker D. Miller. Signed by Judge Walker D. Miller on 7/12/05. (mjg, ) (Entered: 07/18/2005)
07/28/2005	29	MINUTE ORDER: Sentencing (1 hour) will be held 10/21/2005 01:30 PM before Judge Walker D. Miller in A902. (mjg, ) (Entered: 08/01/2005)
07/28/2005	30	WAIVER OF INDICTMENT by Rafael Nunez-Aponte (ecm, ) (Entered: 08/02/2005)
07/28/2005	31	INFORMATION as to Rafael Nunez-Aponte (1) count(s) 1s. (ecm, ) (Entered: 08/02/2005)

07/28/2005	32	STATEMENT IN ADVANCE OF PLEA OF GUILTY by Defendant Rafael Nunez-Aponte (ecm, ) (Entered: 08/02/2005)
07/28/2005	33	PLEA AGREEMENT as to Rafael Nunez-Aponte (ecm, ) (Entered: 08/02/2005)
07/28/2005	34	Minutes of Change of Plea Hearing before Judge Walker D. Miller: Plea of GUILTY entered to Count 1s by Rafael Nunez-Aponte (1); Sentencing set for 10/21/2005 01:30 PM before Judge Walker D. Miller; deft remanded. (Court Reporter Janet Coppock.) (ecm, ) (Entered: 08/02/2005)
09/19/2005	35	Sentencing Letter; PSI sent to counsel of record by probation re Rafael Nunez-Aponte; (mjpg, ) (Entered: 09/20/2005)
10/13/2005	36	Sentencing Letter; Addendum to PSI sent to counsel of record by probation re Rafael Nunez-Aponte; (mjpg, ) (Entered: 10/17/2005)
10/21/2005		(Court only) ***Sentencing as to defendant Rafael Nunez-Aponte (ecm, ) (Entered: 10/28/2005)
10/21/2005	37	Minutes of Sentencing before Judge Walker D. Miller: Sentencing as to Rafael Nunez-Aponte (1) on Count 1s; deft shall be impr. for Time Served; Court Recommends that the deft receive credit for time served in custody; 3 yrs. sup. rel.; \$100 to CVF due immediately; deft shall make restit. in amt. of \$10,548 to Defense Information Sys. Agency; deft remanded (Court Reporter Terri Lindblom.) (ecm, ) (Entered: 10/28/2005)
10/21/2005	38	MOTION to Dismiss Counts by USA as to Rafael Nunez-Aponte. (ecm, ) (Entered: 10/28/2005)
10/21/2005	39	ORDER; GRANTING 38 Motion to Dismiss Counts as to Rafael Nunez-Aponte (1). Signed by Judge Walker D. Miller on 10/21/05. (ecm, ) (Entered: 10/28/2005)
10/28/2005	41	JUDGMENT as to defendant Rafael Nunez-Aponte, Criminal Case Terminated . Signed by Judge Walker D. Miller on 10/25/05; EOD 11/1/05. (mjpg, ) (Entered: 11/01/2005)
11/01/2005	42	Judgment Returned Executed as to Rafael Nunez-Aponte on 10/24/05; Dft released - End of sentence (mjpg, ) (Entered: 11/04/2005)

I, the undersigned, Clerk of the  
United States District Court for the  
District of Colorado, do certify that  
the foregoing is a true copy of an  
original document remaining on file  
and record in my office.  
WITNESS my hand and SEAL of said  
Court this 4th day of April, 2014  
**JEFFREY P. COLWELL**  
By C. Pearson  
Deputy